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SUBJECT: UN AND DONORS MEET TO DISCUSS TRACK 3 AND NEW ROLES

REF: A) KHARTOUM 428
B) KHARTOUM 421
C) KHARTOUM 405
D) KHARTOUM 318
E) KHARTOUM 313
F) KHARTOUM 311
G) KHARTOUM 306
H) KHARTOUM 299

SUMMARY

1. (SBU) BEGIN SUMMARY. On April 1, USAID Mission Director attended, on behalf of the CDA, a small donors- group meeting with Deputy Special Representative to the Secretary-General (DSRSG) Ameerah Haq, to discuss UN thinking and planning on Track 3, as well as steps that donors could take to support the expelled organizations and implementing partners remaining in Sudan. END SUMMARY.

DISCUSSION OF THE STATUS OF EXPELLED NGOS AND AID STAFF

2. (SBU) DSRSG Haq chaired the meeting with donors and other UN agencies, providing an update on the current situation and potential donor roles in the coming days. According to Haq, during the week of March 25, 18 expatriates from expelled NGOs were not in possession of their passports. By April 1, only one expatriate staff member lacked his passport. (NOTE: When the State Minister for Humanitarian Affairs Haroun met with DSRSG Haq on March 26, he committed to return all expatriate passports by March 29. Thus far, the Sudanese government appears to be abiding by that commitment. Following the meeting, USAID confirmed that at least one staff member from PADCO-AECOM remains without an exit visa. USAID will follow up with other implementing partners to verify that all have received passports and exit visas. END NOTE.)

3. (SBU) OCHA continues to meet with the expelled NGOs regularly. The key message from the UN is that the staff should depart Sudan as soon as possible, and NGO headquarters should assume responsibility to complete program close-up, including questions of assets and severance pay. The UN requested that donors encourage expelled implementing-partners staff to leave Sudan as soon as possible. (NOTE: Currently, the Sudanese government maintains that certain NGO staff members cannot leave Sudan until all outstanding issues, including the question of severance pay, are resolved. Sudanese officials also have denied a few NGO requests to bring in headquarters-level staff to complete close-out procedures and provide relief for Sudan-based staff. Despite denials to some organizations, two expelled NGOs report successfully replacing Sudan-based expatriates with headquarters-level staff. END NOTE.)

Overall, the UN would like to draw a distinction between individuals and organizations.

15. (SBU) The UN is asking all NGOs to submit the paperwork required for closeout and submit copies of the documents to the HAC, donors, and UN, with a letter asking the HAC to cancel registration of the NGO. OCHA noted that the Government of National Unity (GNU) Humanitarian Aid Commission (HAC) and the expelled NGOs already have agreed on the list of actions needed for NGOs to close out. The UN suggested that the NGOs do not need to wait for a "closeout" letter, recognizing the March 4 and 5 expulsion documents as closeout letters, to avoid further delay. After an organization officially departs Sudan, the UN feels the GNU HAC should be responsible for receiving requests and issues related to the departed NGO, and forward them appropriately, as designated by the departed NGO.

16. (SBU) When completing program close-out, the final issue for most expelled NGOs is payment of salaries. The UN is working with NGOs and the GNU HAC to establish a system to ensure all employees are paid salaries, and plans to solicit help from international donors as well. Payment modalities being considered include the transfer of funds from the NGO to employees' individual accounts; issuance of a check to the local staff member that can be cashed at a local bank; and/or designation of a senior field staff member to oversee the payout process. Although the UN remains reluctant to take a significant role in the process of paying staff severance, USAID noted that the UN is the only organization with the capacity and staff to assist in this crucial process. In addition, the GNU HAC seems anxious to involve the UN in the severance-pay process. The UN also discussed a potential role for international donors, including possibly having a delegate present in Darfur during the field payments. Some donor participants questioned whether having heightened donor involvement would imply donor endorsement of the

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expulsion and severance pay requirements.

17. (SBU) The amount of severance pay that NGOs will pay employees differs by organization; some NGOs already have agreed to pay a six-month severance payment on top of the one month severance required by law. Others have only agreed to pay what is legally required by law, while some have not yet agreed to pay anything. The UN has provided all of the expelled NGOs with a template to use to appeal the expulsion. As of April 1, at least two organizations, Save the Children/United Kingdom (SC/UK) and local NGO SUDAO, have decided to appeal. According to the UN, the reasons for appeal vary from organizations wishing to continue programs in Sudan, to others wanting to demonstrate accountability to donors, and finally to still others appealing the expulsion based on principle.

18. (SBU) Even if an organization pays the GNU-ordered severance, the UN is encouraging NGOs to de-link any six-month payment from the labor decree as the labor decree assumes guilt. Therefore, the UN is preparing a letter to the GNU HAC, asking the office to formally de-link guilt and the severance pay issue. (NOTE: Despite this valiant effort, any delinking appears to be an insurmountable task in an environment of heightened intimidation, fear, and government-controlled media. END NOTE). As of April 1, the estimated additional cost for the NGOs of the extralegal six-month severance pay is \$12 million.

TRACK TWO: GAPS TOO LARGE TO ADEQUATELY FILL

19. (SBU) Meeting participants also discussed the current status of Track 2, or efforts by the international donors, remaining NGOs, and Sudanese officials and organizations to fill gaps. Participants agreed on the enormous current burden on the technical ministries and that despite the GNU commitment to fill the humanitarian gaps, the international community knows that the GNU will be unable to deliver. Furthermore, other donors and NGOs also are unable to fill the gap. UN recently met with the Islamic Development Bank (IDB) which posted staff in Khartoum to help Darfur programs. According to IDB officials, the bank has a total of \$10 million, of which only \$1 million is earmarked for humanitarian assistance. In addition, the Sudanese Red Crescent Society cannot maintain a significant expansion of programming and already has asked the International

Federation of Red Cross and Red Crescent Societies for assistance.

¶10. (SBU) To address near-term gaps in life-saving sectors, UN agencies such as UNICEF, WHO and WFP plan to become much more operational. UN agencies will examine critical actions needed to maintain services during the next two months for each sector, including fuel, spare parts, and medical supplies. While the UN becomes more operational, several key issues remain. Of great concern is the Sudanese government's prohibiting four UN agencies from deploying international staff to South Darfur. Since early February, the U.N. Development Fund for Women (UNIFEM), U.N. Mine Action Organization (UNMAO), International Organization for Migration (IOM), and Office of the U.N. High Commissioner for Refugees (UNHCR) have encountered bureaucratic impediments to international staff travel, preventing international personnel from visiting South Darfur. (NOTE: UNMAO has argued successfully that their staff is part of the African Union-U.N. Hybrid Operations in Darfur (UNAMID) and as such cannot be prohibited from working in South Darfur. END NOTE.) In two separate incidents, GNU security officials at the Nyala airport in South Darfur detained and ordered IOM and UNHCR staff to return to Khartoum, despite their presentation of required travel documentation. (NOTE: In one incident, a UNHCR staff member arrived on the last flight into Nyala, and the GNU security officials guarded the expatriate all night and prohibited him from communicating with anyone until he boarded the next morning's flight back to Khartoum. END NOTE.) IOM staff in South Darfur provide critical monitoring and verification of camp populations and returns.

¶11. (U) Based on recent meetings, the UN reports that the GNU realizes that Sudanese authorities lack the needed surge capacity and depend on the UN for that extra boost. In preparation for paying for additional operations, the DSRSG has asked the CERF for funding. CERF funds requested include \$2 million for meningitis vaccines, \$400,000 for UNHAS and \$960,000 for the Joint Logistics Center. Following the NGO expulsions, the UN Children's Fund (UNICEF), put out a three-month funding request to donors for \$22 million to cover gaps in health, water and nutrition. DSRSG Haq asked UN agencies to develop new appeals based on the recently expanded work during the next two to three months. DSRSG Haq plans to have a larger donor meeting by the end of the week of April 5 to present updated UN funding needs for the current crisis.

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TRACK 3: OPERATING ENVIRONMENT, ACCOUNTABILITY, AND STREAMLINED
HUMANITARIAN OPERATIONS

¶12. (SBU) The senior UN OCHA Representative from New York, Hansjoerg Strohmeyer, provided an in-depth discussion of the proposed Track 3 to establish a new humanitarian assistance architecture for aid programs in Sudan. Drawing on broad consultations, including discussions in Khartoum between OCHA and the international donors, NGO groups, UN agencies; conversations with CEOs of expelled NGOs in capitals; and the Humanitarian Liaison Working Group in New York City, OCHA noted that it has yet to discuss any element of a Track 3 approach with the GNU.

¶13. (SBU) The UN Track 3 approach has three parts: the operating environment, accountability, and a streamlined aid machinery or cluster approach. According to Strohmeyer, for Track 3 to be feasible, the operating environment must move to a rule- or procedures-based approach, use the Joint Communique in a more effective manner, and show improvement in areas needing change.

¶14. (SBU) Regarding accountability, UN staff noted that the High-Level Committee (HLC) has not worked in the past and must be strengthened to be more effective. One option would be to draw upon the participation of additional GNU officials, including National Security, the Ministry for International Cooperation, as well as the GNU HAC and others. From the donor perspective, the HLC also needs stronger and regular donor representation, not just one rotating donor representative. In addition, the UN suggested including

non-traditional donors, using the People's Republic of China as an example. Noting that a strengthened HLC may not be enough, OCHA suggested additional efforts to decentralize the HLC and have an HLC equivalent group in each Darfur state, allowing issues to be addressed at the state-level rather than the federal-level in Khartoum. For a final note on accountability, Strohmeier proposed that an international entity be established that would meet at least twice a year to examine operations and compliance in Sudan. The not-yet-formed entity would provide some international "political" heft, but should not be politicized. The HLC could shift some difficult issues to the international body, which would include senior GNU officials.

¶15. (SBU) Underscoring the importance of a more streamlined aid machinery or cluster approach, the UN proposed including all implementers, including NGOs and line ministries, under the cluster approach. The cluster approach could include, for example, pooled or joint asset management for each cluster. Each cluster would be its own sector program. Recalling current issues with the GNU HAC and NGO technical agreements, the UN proposed that each cluster for individual Darfur states could have a technical agreement which would include all implementing partners. The proposed arrangement may provide more protective and shielding elements, particularly for individual NGOs. In addition, UN agencies would be designated as the lead partners for each cluster, perhaps in partnership with the appropriate GNU line ministry.

¶16. (SBU) According to the UN, it is urgent to develop the framework and implement the basic elements of Track 3 in order to prevent Track 2 from becoming the new approach by default. Meeting participants questioned whether the Three Areas should be kept separate from the new architecture for assistance in Sudan. Donors and UN staff concluded that the Three Areas enjoys a special status, thanks to the Comprehensive Peace Agreement (CPA) and the Three Areas' role for Southern Sudan, and as such, should remain separate from the proposed new architecture, which will focus on northern Sudan.

COMMENTS

¶17. (SBU) If the UN agencies and international donors continue to pursue a possible Track 3 approach with the GNU, the international community must outline and enforce greater checks and balances with the Sudanese government. After all, it is certainly unusual that the Sudanese government, which is a party to the conflict, and its President, who is wanted for war crimes and crimes against humanity, now are providing aid to the victims of the conflict. Indeed, this situation undermines key elements of humanitarian assistance neutrality and integrity. During the last six years, the Sudanese government has repeatedly used internally displaced persons (IDPs) to further its political agenda, and there is no reason to think that this will change given the new operating environment.

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¶18. (SBU) With fewer organizations on the ground, and increased limitations for those humanitarian NGOs remaining, monitoring capacity is significantly diminished and IDPs are increasingly vulnerable to manipulation and abuse. This is of particular concern given the current situation in South Darfur. There key UN agencies charged with monitoring population movements and verifying camp populations and voluntary returns remain unable to deploy international staff and carry out their essential mission, which consists of helping aid agencies target beneficiaries and confirm the integrity of humanitarian assistance.

¶19. (U) Moving forward, international donors must recognize and adapt to a new and evolving role in the landscape of humanitarian assistance in Sudan. In addition, all parties need to understand that the relationship between the Sudanese government and the international donors must change if any of the proposed tracks stand a chance of success. Post believes that much of the proposed new architecture as presented by OCHA makes sense, is important, and should be supported. However, we realize that the history of new

architecture agreements in Sudan leading to rule based and more efficient humanitarian services is not positive or encouraging.

FERNANDEZ